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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MOHAMMAD YOUNAS

Plaintiff,

-vs-

Anne W. Patterson, US Ambassador in
 Pakistan; Don Neufeld,
 Director California Service Center,
 Michael Chertoff, Secretary of the
 Homeland Security; Michael Mukasey,
 Attorney General of the United States; and

Does 1 thru 50

Defendants.

No.

INS No. 75--261-668

WDB

COMPLAINT FOR A WRIT IN THE NATURE OF MANDAMUS:

To the Honorable Judges of Said Court:

Plaintiff, Mohammad Younas, through undersigned counsel, alleges as follows:

1. This is a civil action brought pursuant to 8 U.S.C. Section 1447, 28 U.S.C. Section 1331 and 1361, 5 U.S.C. Section 701 and 28 U.S.C. Section 2201 et sec. to redress the deprivation of rights, privileges and immunities secured to plaintiff to and compel Defendants to perform a duty Defendants owe to plaintiff. Jurisdiction is also

conferred by 5 U.S.C. Section 704.

2. This action is brought to compel Defendants and those acting under them to take action on an approved visa petition (Form I-130) which the US Consulate in Islamabad, Pakistan, improperly denied and terminated any further processing on the said petition. Mr. Younas filed an I-130 petition on behalf of daughter, Naz Iram. The petition was filed pursuant to Section 201 (a) (1) of the Immigration & Nationality Act (hereinafter the "INA"). See the attached copy of the Notice of Action, marked as Exhibit 1. The United States Immigration & Naturalization Service (hereinafter "the Service") approved the visa petition on April 14, 1999, and assigned it priority date of August 21, 1999. See the attached Notice of Action, marked as Exhibit 2. The Service then referred the subject visa petition to the Department of State for further processing. The National Visa Center forwarded the file to the US Consulate in Pakistan on or about July 6, 1999. The US Consulate in Islamabad allegedly forwarded notification to the beneficiary on or October 21, 1999. The Embassy allegedly received no response from the beneficiary. The US Consulate terminated her registration alleging that the beneficiary has failed to pursue her immigrant visa application. The applicant alleges that the Consular action in this regard was improper as the visa for the beneficiary with priority date August 21, 1998 was not even available for her use. The Embassy issued notice was untimely and it was improperly issued. See the enclosed copy of the recent visa bulletin, marked as Exhibit 3. The applicant contacted the US Consulate in Pakistan when he believed that the visa for his daughter has become available for her use. The Consulate advised him that case has been closed and a letter in that regard was sent to him. The applicant maintained

that he did not receive any such notice. The visa was not even available for her use at the time the US Consulate allegedly issued notification on or about April 14, 1999. The visa for an unmarried child of a US citizen with priority date of August 21, 1998 was not even available at the time the notification was issued and sent to the beneficiary, assuming that one was actually sent. There was nothing for the beneficiary to exercise within one year of the date of the issuance of the notification because even the visa at that time was not available. The beneficiary married on August 25, 1998 and her status was promptly made known to the USCIS. The Service has been requested several times in the past to rectify the situation. The visa petition has been improperly denied and the Service has failed to rectify the situation.

3. Defendants, the Department of Homeland Security and US Citizenship and Immigration Service, Anne W. Patterson, US Ambassador in Pakistan, California Service Center, and National Visa Center, are charged by law with the statutory obligation to properly adjudicate and process the visa Application, and their respective failure to comply with the proper procedure while discharging their duties;
4. Venue is proper under 28 USC Section 1391 (e) because the Plaintiff resides in this district and no real property is involved in this action.

FACTS:

Plaintiff is a naturalized citizen of the United States of America. See Exhibit 4, copy of the Naturalization Certificate). Plaintiff is the natural father of the beneficiary, evidenced by her birth certificate, marked as Ex. 5. The application has been pending since August 21, 1998. Plaintiff wrote several letters to the Service, requesting that the matter be reconsidered. Plaintiff contacted Hon' Congresswoman Lynn Woolsey which

materialized no satisfactory response. See the attached copy of the letter from Congresswoman Lynn Woosley, marked as Exhibit 6. The undersigned Counsel wrote to the Embassy of the United States on July 20, 2007. See the attached letter, dated July 20, 2007, marked as Exhibit 7. No response was received and no action appears to have been taken. The Service has failed to give any reasonable explanation why there has been an inexcusable delay in the processing the applicant's request and why the required action is not taken. See the enclosed affidavit of Plaintiff, Exhibit 8. Plaintiff alleges that the subject visa petition has been improperly denied and the visa processing was wrongfully terminated.

VENUE

Venue is proper in this court, pursuant to 28 USC Section 1391 (e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Plaintiffs' claim, occurred. More specifically, Plaintiff's application for classification as immediate relative of a United States Citizen (Form I-130) was properly and lawfully filed with the California Service Center, having jurisdiction to adjudicate said application. Plaintiff alleges that Don Neufeld, is the Director of the California Service Center, an agency of the United States Department of Homeland Security, and he is sued in his official capacity. Plaintiff alleges that the Defendant has a role in the adjudication of the I-130 Application. Defendant, Ann W. Patterson, is being sued in her official capacity as US Ambassador of Pakistan overseeing the visa process at the US Consulate in Pakistan. Defendant Michael Mukasey is Attorney General of the United States, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and

Naturalization Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Justice. 8 USC Section 1103 (a). More specifically, the Attorney General is responsible for the adjudication of applications for Immediate Relative Petitions. USCIS is an agency within the Department of Homeland Security to whom the Attorney General's authority has in part been delegated, and is subject to the Attorney General's supervision.

JURISDICTION

This Court has jurisdiction of this action pursuant to 28 USC 1331, 28 USC 1361, 28 USC 1651, 5 USC 701 et seq., and 28 USC 2201 et seq. and relief is requested pursuant to said statutes. The Service has failed to take action in a timely manner. The priority date was improperly attached to the said application and the beneficiary has been deprived of a fair hearing and the issues pertaining to processing involving the visa petition are in direct contradiction of the rules. Defendant are taking no action on plaintiff's case despite US Consulate's apparent mistake in issuing the notification when the visa was not even available for beneficiary's use.

EXHAUSTION OF REMEDIES

Plaintiff has exhausted his administrative remedies. The Service has failed to take an appropriate action to redress the grievances of the Plaintiff.

CAUSE OF ACTION

Defendant's refusal to act in this case, as a matter of law, arbitrary, and not in accordance with the law. Plaintiff has been greatly damaged by the failure of defendants to act in accord with their duties under the law. All legal prerequisites have been satisfied. In addition, the Service has failed to respond to Plaintiff's multiple inquiries regarding


the status of the application. Defendants have sufficient information to determine beneficiary's eligibility pursuant to applicable requirements. The visa notification was prematurely issued and the registration was improperly terminated. Defendant's refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed in, and have refused to, adjudicate Plaintiffs' visa petition that he had filed on behalf of her daughter. Plaintiff is entitled. Defendants, in violation of the Administrative Procedures Act, 5 USC Section 701 et seq., are unlawfully withholding or unreasonably delaying action on Plaintiff's application and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiffs' case. Plaintiff has waited for a significant time period and an adequate notice to the Service was provided in an attempt to secure timely processing of the visa application of her daughter. Accordingly, Plaintiff has been forced to retain the services of an attorney to pursue the instant action.

PRAYER

Wherefore, in view of the arguments and authority noted herein, Plaintiff respectfully pray that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:

- (a) requiring defendants to adjudication Plaintiff's application for Immediate Relative Petition ;
- (b) awarding Plaintiff reasonable attorney's fee; and
- (c) granting such other relief at law and in equity as justice may require.

Respectfully submitted

BY 
ASHWANI K. BHAKHRI
Attorney at Law

Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-98-228-50577		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN
RECEIVED DATE August 21, 1998	PRIORITY DATE	PETITIONER YOUNAS, MOHAMMAD
NOTICE DATE August 24, 1998	PAGE 1 of 1	BENEFICIARY IRAM, NAZ
MOHAMMAD YOUNAS 912 LINK LN SANTA ROSA CA 95401		Notice Type: Receipt Notice Amount received: \$ 80.00 Section: Unmarried child (age 21 or older) of U.S. Citizen, 201(a)(1) INA

The above application or petition has been received. It usually takes 120 to 180 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number below to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (714) 360-2769



Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-98-228-50577		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN
RECEIPT DATE August 24, 1998	PRIORITY DATE August 21, 1998	PETITIONER A90 661 200 YOUNAS, MOHAMMAD
NOTICE DATE April 14, 1999	PAGE 1 of 1	BENEFICIARY IRAM, NAZ
MOHAMMAD YOUNAS 912 LINK LN SANTA ROSA CA 95401		Notice Type: Approval Notice Section: Unmarried child (age 21 or older) of U.S. Citizen, 201(a)(1) INA

The above petition has been approved. We have sent the original visa petition to the **Department of State National Visa Center (NVC), 32 Rochester Avenue, Portsmouth, NH 03801-2909**. NVC processes all sponsored immigrant visa petitions that need consular action. It also determines which consular post is the appropriate consulate to complete visa processing. NVC will then forward the approved petition to that consulate.

The NVC will contact the person for whom you are petitioning (beneficiary) concerning further immigrant visa processing steps.

If you have any questions about visa issuance, please contact the NVC directly. However, please allow at least 4 weeks before calling the NVC if your beneficiary has not received correspondence from the NVC. The telephone number of the NVC is **(603) 334-0700**.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
 CALIFORNIA SERVICE CENTER
 P. O. BOX 30111
 LAGUNA NIGUEL CA 92607-0111
 Customer Service Telephone: (949) 360 2769



Visa Bulletin

*Number 118
Volume VIII
Washington, D.C.*

VISA BULLETIN FOR MAY 2008

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **May**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by April **8th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202 (e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Family	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	08MAR02	08MAR02	08MAR02	08JUL92	15MAR93
2A	08JUN03	08JUN03	08JUN03	01MAY02	08JUN03
2B	01JUN99	01JUN99	01JUN99	01APR92	15FEB97
3rd	08JUN00	08JUN00	08JUN00	22JUL92	01APR91
4th	08AUG97	15JAN97	01JAN97	15DEC94	08MAR86

***NOTE:** For May, 2A numbers **EXEMPT** from per-country limit are available to applicants from all countries with priority dates **earlier** than 01MAY02. 2A numbers **SUBJECT** to per-country limit are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01MAY02 and earlier than 08JUN03. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
Employment-Based					
1st	C	C	C	C	C
2nd	C	01JAN04	01JAN04	C	C
3rd	01MAR06	22MAR03	01NOV01	01JUL02	01MAR06
Other Workers	01JAN03	01JAN03	01JAN03	01JAN03	01JAN03

4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This reduction has resulted in the DV-2008 annual limit being reduced to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For **May**, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	26,700	Except: Egypt: 20,500 Ethiopia: 16,000 Nigeria: 11,600
ASIA	10,500	
EUROPE	23,500	
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	1,400	

SOUTH AMERICA, and the CARIBBEAN	1,550	
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Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2008 program ends as of September 30, 2008. DV visas may not be issued to DV-2008 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2008 principals are only entitled to derivative DV status until September 30, 2008. DV visa availability through the very end of FY-2008 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JUNE

For **June**, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	32,000	Except: Egypt: 22,000 Ethiopia: 17,750 Nigeria: 13,000
ASIA	11,900	
EUROPE	26,000	
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	1,500	
SOUTH AMERICA, and the CARIBBEAN	1,700	

D. MEXICO F2A VISA AVAILABILITY DURING THE COMING MONTHS

Continued heavy demand in the Mexico F2A category may require the retrogression of this cut-off date to hold number use within the annual numerical limit. Such action could occur as early as June.

E. EMPLOYMENT VISA AVAILABILITY

Many of the Employment cut-off dates have continued to advance more rapidly than might ordinarily be expected. This is a result of consultations with U.S. Citizenship and Immigration Services (USCIS) regarding their pending demand, which is currently using approximately 90% of all Employment numbers. USCIS has indicated that they would prefer to review a substantial number of cases at this time to ensure that number use in the various categories can be maximized. Should USCIS projections of the resulting number use prove to be incorrect it may be necessary to adjust the cut-off dates during the final quarter of FY-2008.

F. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs offers the monthly "Visa Bulletin" on the INTERNET'S

WORLDWIDE WEB. The INTERNET Web address to access the Bulletin is:

<http://travel.state.gov>

From the home page, select the VISA section which contains the Visa Bulletin.

To be **placed on** the Department of State's E-mail subscription list for the "Visa Bulletin", please send an E-mail to the following E-mail address:

listserv@calist.state.gov

and in the message body type:

Subscribe Visa-Bulletin First name/Last name
(example: Subscribe Visa-Bulletin Sally Doe)

To be **removed from** the Department of State's E-mail subscription list for the "Visa Bulletin", send an e-mail message to the following E-mail address:

listserv@calist.state.gov

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (area code 202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

VISABULLETIN@STATE.GOV

(This address cannot be used to subscribe to the Visa Bulletin.)

Department of State Publication 9514
CA/VO:April 8, 2008

United States Department of State
Bureau of Consular Affairs

VISA BULLETIN

Number 3
Volume VIII
Washington, D.C.

IMMIGRANT NUMBERS FOR MARCH 1999

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **March**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by February **8th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

1. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

PREFERENCES

	All Charge- ability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
Family					
1st	15OCT97	15OCT97	15OCT97	01AUG93	08JUN87
2A*	22AUG94	22AUG94	22AUG94	22JUL93	22AUG94
2B	22APR92	22APR92	22APR92	15JUL91	22APR92
3rd	08JUL95	08JUL95	08JUL95	22JUL90	22APR87
4th	08JUN88	08JUN88	01JUN86	08JAN88	08OCT78

*NOTE: For March, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 22JUL93. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 22JUL93 and earlier than 22AUG94. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

All Charge-
ability Areas CHINA-

Employment-Based	Except Those Listed	mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	22JAN98	C	C	C
2nd	C	08SEP96	08SEP97	C	C
3rd	C	01JAN95	08FEB96	C	C
Other Workers	01JUL92	01JUL92	01JUL92	01JUL92	01JUL92
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	15JAN98	C	C	C
Targeted Employment Areas/ Regional Centers	C	15JAN98	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at (202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides 50,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. DV visas are divided among six geographic regions. Not more than 3,500 visas (7% of the 50,000 visa limit) may be provided to immigrants from any one country.

For **March**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Charge-ability Areas Except Those Listed Separately	
AFRICA	AF 17,048	
ASIA	AS 4,661	
EUROPE	EU 14,490	EXCEPT: ALBANIA EU 8,876
NORTH AMERICA (BAHAMAS)	NA 24	
OCEANIA	OC 543	

SOUTH AMERICA, SA 1,850
CENTRAL AMERICA,
and the CARIBBEAN

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-99 program ends as of September 30, 1999. DV visas may not be issued to DV-99 applicants after that date. Similarly, spouses and children accompanying or following to join DV-99 principals are only entitled to derivative DV status until September 30, 1999. DV visa availability through the very end of FY-1999 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-99 program have been used, no further issuances will be possible.**

C. VISA SERVICES AT ISTANBUL, TURKEY

The Consulate General at Istanbul, Turkey processes only NONIMMIGRANT visas other than Fiance (K) visas. IMMIGRANT and FIANCE (K) visa services for residents of Turkey are provided by the American Embassy at Ankara, Turkey. This information is noted because many inquiries being received at Istanbul concern categories which that office does not handle.

D. RECENT AMENDMENT TO THE VISA PORTION OF THE FOREIGN AFFAIRS MANUAL (FAM)

The following Transmittal Letter (TL), which updates the visa portion (Vol. 9) of the FAM, is now available:

VISA-184, dated January 22, 1999, Parts 40, 41 42. Cost \$21.00.

A check payable to the Department of State must accompany the order. This TL may be obtained from:

Distribution Services (OIS/PS/PR)
Room B847 A
Department of State
Washington, D.C. 20520

OBTAINING THE MONTHLY VISA BULLETIN: The Department of State's Bureau of Consular Affairs offers the monthly *Visa Bulletin* on the Internet's World Wide Web. The Internet Web address to access the *Bulletin* is:

<http://travel.state.gov>

From the home page, select the Visa section which contains the *Visa Bulletin*.

Individuals may also obtain the *Visa Bulletin* by fax. From a fax phone, dial (202) 647-3000. Follow the prompts and enter in the code 1038 to have each *Bulletin* faxed.

(The Department of State also has available a recorded message with visa cut-off dates which can be heard at (202) 663-1541. The recording is updated in the middle of each month with information on cut-off dates for the following month.)

To be placed on the Department of State's *Visa Bulletin* mailing list or to change an address, please write to:

Visa Bulletin
Visa Office
Department of State

Washington, D.C. 20522-0106

Only addresses within the U.S. postal system may be placed on the mailing list. Please include a recent mailing label when reporting changes or corrections of address; the Postal Service does **NOT** automatically notify the Visa Office of address changes. (Obtaining the *Visa Bulletin* by mail is a much slower option than any of the alternatives mentioned above.)

The *Visa Bulletin* can also be contacted by e-mail at the following address:

VISABULLETIN@STATE.GOV

(The *Visa Bulletin* is **not** distributed by e-mail, however.)

Department of State Publication 9514

CA/VO:February 8, 1999

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*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

*Number 5
Volume VIII
Washington, D.C.*

IMMIGRANT NUMBERS FOR MAY 1999

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **May**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by **April 8th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

1. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

PREFERENCES	All Charge-	ability Areas	CHINA-	Except Those	mainland	Listed	born	INDIA	MEXICO	PHILIPPINES
-------------	-------------	---------------	--------	--------------	----------	--------	------	-------	--------	-------------

Family

1st	01JAN98	01JAN98	01JAN98	01AUG93	01AUG87
2A*	01NOV94	01NOV94	01NOV94	01OCT93	01NOV94
2B	15JUN92	15JUN92	15JUN92	22JUL91	15JUN92
3rd	22JUL95	22JUL95	22JUL95	01OCT90	08JUN87

4th 08JUL88 08JUL88 01AUG86 08MAR88 08DEC78

*NOTE: For May, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01OCT93. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01OCT93 and earlier than 01NOV94. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

All Charge-

ability Areas CHINA-

Except Those mainland

Listed born INDIA MEXICO PHILIPPINES

Employment-

Based

1st C 15APR98 C C C

2nd C 01FEB97 22NOV97 C C

3rd C 15APR95 01APR96 C C

Other 15SEP92 15SEP92 15SEP92 15SEP92 15SEP92

Workers

4th C C C C C

Certain C C C C C

Religious

Workers

5th C 01SEP98 C C C

Targeted Employ- C 01SEP98 C C C
 ment Areas/
 Regional Centers

The Department of State has available a recorded message with visa availability information which can be heard at (202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides 50,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. DV visas are divided among six geographic regions. Not more than 3,500 visas (7% of the 50,000 visa limit) may be provided to immigrants from any one country.

For **May**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

All DV Charge-

ability Areas

Except Those

Region Listed Separately

AFRICA AF 30,351

ASIA AS 8,510 EXCEPT: BANGLADESH AS 7,140

EUROPE EU 18,700 EXCEPT: ALBANIA EU 13,290

NORTH AMERICA NA 24
 (BAHAMAS)

OCEANIA OC 845

SOUTH AMERICA, SA 2,460

CENTRAL AMERICA,

and the CARIBBEAN

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-99 program ends as of September 30, 1999. DV visas may not be issued to DV-99 applicants after that date. Similarly, spouses and children accompanying or following to join DV-99 principals are only entitled to derivative DV status until September 30, 1999. DV visa availability through the very end of FY-1999 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-99 program have been used, no further issuances will be possible.**

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JUNE AND JULY

For **June**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows:

All DV Charge-		ability Areas	
Except Those		Listed Separately	
Region			
AFRICA	AF 33,500		
ASIA	AS 10,000		
EUROPE	EU 20,460	EXCEPT:	ALBANIA EU 16,290
NORTH AMERICA	NA 24		
(BAHAMAS)			
OCEANIA	OC 950		
SOUTH AMERICA,	SA 2,600		
CENTRAL AMERICA,			
and the CARIBBEAN			

For **July**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows:

All DV Charge-

ability Areas

Except Those

Region Listed Separately

AFRICA AF 38,180

ASIA AS 11,970

EUROPE EU 22,340 EXCEPT: ALBANIA EU 18,900

NORTH AMERICA NA 24

(BAHAMAS)

OCEANIA OC 1,012

SOUTH AMERICA, SA 2,850

CENTRAL AMERICA,

and the CARIBBEAN

D. RECENT AMENDMENTS TO THE VISA PORTION OF THE FOREIGN AFFAIRS MANUAL (FAM)

The following Transmittal Letters (TLs), which update the visa portion (Vol. 9) of the FAM, are now available:

VISA-185, dated February 26, 1999, which updates Parts 40, 41, 42 and Appendices.
Cost \$50.50.

VISA-186, dated March 25, 1999, which updates 41.102 Notes and Appendix N, 300.
Cost \$3.75.

VISA-187, dated March 30, 1999, which updates 40.41 Exhibit I; 41.2 Regs/Statutes and Notes; and 41.105 Regs/Statutes. Cost \$4.50.

A check payable to the Department of State must accompany the order. These TLs may be obtained from:

Distribution Services (OIS/PS/PR) Room B847 A
Department of State
Washington, D.C. 20520

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Visa Bulletin
Visa Office
Department of State
Washington, D.C. 20522-0106

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VISABULLETIN@STATE.GOV

(The *Visa Bulletin* is **not** distributed by e-mail, however.)

Department of State Publication 9514
CA/VO:April 8, 1999

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United States Department of State
Bureau of Consular Affairs

VISA BULLETIN

Number 6
Volume VIII
Washington, D.C.

IMMIGRANT NUMBERS FOR JUNE 1999

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **June**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by May **10th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

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Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

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Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

PREFERENCES

Family	All Charge- ability Areas Except Those Listed				
	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES	
1st	15FEB98	15FEB98	15FEB98	08AUG93	22AUG87
2A*	22DEC94	22DEC94	22DEC94	22NOV93	22DEC94
2B	08JUL92	08JUL92	08JUL92	22JUL91	08JUL92
3rd	01AUG95	01AUG95	01AUG95	08NOV90	01JUL87
4th	22JUL88	22JUL88	15AUG86	01APR88	15JAN79

*NOTE: For June, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 22NOV93. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 22NOV93 and earlier than 22DEC94. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

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	Except Those Listed	mainland born	INDIA	MEXICO	PHILIPPINES
Employment- Based					
1st	C	01JUL98	C	C	C
2nd	C	22MAY97	08JAN98	C	C
3rd	C	15MAY95	15MAY96	C	C
Other Workers	01NOV92	01NOV92	01NOV92	01NOV92	01NOV92
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employ- ment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at (202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides 50,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. DV visas are divided among six geographic regions. Not more than 3,500 visas (7% of the 50,000 visa limit) may be provided to immigrants from any one country.

For **June**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Charge- ability Areas Except Those Listed Separately	
AFRICA	AF 33,500	
ASIA	AS 10,000	
EUROPE	EU 20,460	EXCEPT: ALBANIA EU 16,290
NORTH AMERICA (BAHAMAS)	NA 24	
OCEANIA	OC 950	

SOUTH AMERICA, SA 2,600
CENTRAL AMERICA,
and the CARIBBEAN

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-99 program ends as of September 30, 1999. DV visas may not be issued to DV-99 applicants after that date. Similarly, spouses and children accompanying or following to join DV-99 principals are only entitled to derivative DV status until September 30, 1999. DV visa availability through the very end of FY-1999 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-99 program have been used, no further issuances will be possible.**

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JULY AND AUGUST

For **July**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows:

Region	All DV Charge- ability Areas Except Those Listed Separately	
AFRICA	AF 38,180	
ASIA	AS 11,970	
EUROPE	EU 22,340	EXCEPT: ALBANIA EU 18,900
NORTH AMERICA (BAHAMAS)	NA 24	
OCEANIA	OC 1,012	
SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN	SA 2,850	

For **August**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows:

Region	All DV Charge- ability Areas Except Those Listed Separately
AFRICA	AF Current
ASIA	AS Current
EUROPE	EU 25,100
NORTH AMERICA (BAHAMAS)	NA 24
OCEANIA	OC Current
SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN	SA 3,071

D. FY-2000 DIVERSITY IMMIGRANT VISA (DV-2000) LOTTERY RESULTS

The National Visa Center at Portsmouth, New Hampshire has registered and notified the winners of the DV-2000

diversity lottery. The diversity lottery was conducted under the terms of Section 203(c) of the Immigration and Nationality Act and makes available *50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 110,000 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first *50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV-2000 numbers will be used during fiscal year 2000 (October 1, 1999 until September 30, 2000).

Applicants registered for the DV-2000 program were selected at random from the more than 8 million qualified entries received during the one-month application period which ran from noon on October 1, 1998 through noon on October 31, 1998. Over 2.5 million applications received inside and outside of the mail-in period were disqualified for failing to properly follow directions.

The visas have been apportioned among six geographic regions with a maximum of 3,500 visas available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience within the past five years in an occupation that requires at least two years of training or experience.

Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested. Registrants living legally in the United States who wish to apply for adjustment of their status must contact the Immigration and Naturalization Service for information on the requirements and procedures. Once the total *50,000 visa numbers have been used, the program for fiscal year 2000 will end. Selected applicants who do not receive visas by September 30, 2000 will derive no further benefit from their DV-2000 registration. Similarly, spouses and children accompanying or following to join DV-2000 principal applicants are only entitled to derivative DV status until September 30, 2000.

Only participants in the DV-2000 program who were selected for further processing have been notified. Those who have not received notification were not selected and may wish to try for next year's DV-2001 lottery. The dates for the mail-in period for the DV-2001 lottery are scheduled from noon on October 4, 1999 until noon on November 3, 1999. Instructions on entering the DV-2001 program will be widely publicized beginning on August 2, 1999.

**The Nicaraguan and Central American Relief Act (NCARA) passed by Congress in November 1997 stipulated that beginning with DV-99, and for as long as necessary, 5,000 of the 55,000 annually-allocated diversity visas were made available for use under the NCARA program.*

The following is the statistical breakdown by foreign state chargeability of those registered for the DV-2000 program:

AFRICA

ALGERIA 1,499	ERITREA 220	NAMIBIA 10
ANGOLA 12	ETHIOPIA 2,284	NIGER 22
BENIN 89	GABON 24	NIGERIA 8,550
BOTSWANA 8	GAMBIA, THE 122	RWANDA 35
BURKINA FASO 31	GHANA 8,662	SAO TOME AND PRINCIPE 0
BURUNDI 13	GUINEA 332	SENEGAL 207
CAMEROON 860	GUINEA-BISSAU 1	SEYCHELLES 3
CAPE VERDE 3	KENYA 1,514	SIERRA LEONE 2,617
CENTRAL AFRICAN REP. 18	LESOTHO 3	SOMALIA 1,678
CHAD 29	LIBERIA 1,762	SOUTH AFRICA 663
COMOROS 2	LIBYA 79	SUDAN 2,294
CONGO 51	MADAGASCAR 20	SWAZILAND 2
CONGO, DEMOCRATIC	MALAWI 47	TANZANIA 267
REPUBLIC OF THE 386	MALI 86	TOGO 664
COTE D'IVOIRE 333	MAURITANIA 47	TUNISIA 175

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DJIBOUTI 12
EGYPT 3,301
EQUATORIAL GUINEA 5

MAURITIUS 28
MOROCCO 3,007
MOZAMBIQUE 7

UGANDA 169
ZAMBIA 72
ZIMBABWE 97

ASIA

AFGHANISTAN 59
BAHRAIN 7
BANGLADESH 9,175
BHUTAN 0
BRUNEI 0
BURMA 553
CAMBODIA 103
HONG KONG SPECIAL
ADMIN. REGION 136
INDONESIA 758
IRAN 489

IRAQ 49
ISRAEL 67
JAPAN 367
JORDAN 86
NORTH KOREA 3
KUWAIT 29
LAOS 7
LEBANON 47
MALAYSIA 102
MALDIVES 0
MONGOLIA 4

NEPAL 128
OMAN 4
PAKISTAN 3,187
QATAR 6
SAUDI ARABIA 83
SINGAPORE 33
SRI LANKA 220
SYRIA 66
THAILAND 117
UNITED ARAB EMIRATES 42
YEMEN 63

EUROPE

ALBANIA 6,401
ANDORRA 0
ARMENIA 1,214
AUSTRIA 170
AZERBAIJAN 423
BELARUS 896
BELGIUM 83
BOSNIA & HERZEGOVINA 83
BULGARIA 4,381
CROATIA 123
CYPRUS 37
CZECH REPUBLIC 215
DENMARK 88
ESTONIA 152
FINLAND 72
FRANCE 602
Martinique 3
Guadeloupe 0
GEORGIA 423
GERMANY 3,417

GREECE 107
HUNGARY 219
ICELAND 35
IRELAND 564
ITALY 294
KAZAKHSTAN 689
KYRGYZSTAN 181
LATVIA 288
LIECHTENSTEIN 1
LITHUANIA 1,316
LUXEMBOURG 4
MACEDONIA, FORMER
YUGOSLAV REP. OF 397
MALTA 27
MOLDOVA 418
MONACO 1
NETHERLANDS 112
Aruba 2
Netherlands Antilles 7

NORTHERN IRELAND 73
NORWAY 39
PORTUGAL 67
Macau 16
ROMANIA 3,494
RUSSIA 6,481
SAN MARINO 0
SERBIA-MONTENEGRO 597
SLOVAKIA 375
SLOVENIA 26
SPAIN 123
SWEDEN 272
SWITZERLAND 420
TAJIKISTAN 190
TURKEY 1,368
TURKMENISTAN 66
UKRAINE 8,035
UZBEKISTAN 964
VATICAN CITY 0

NORTH AMERICA

BAHAMAS, THE 36

OCEANIA

AUSTRALIA 656
FIJI 1,069
KIRIBATI 0
MARSHALL ISLANDS 7
MICRONESIA, FEDERATED
STATES OF 0

NAURU 0
NEW ZEALAND 357
PALAU 2
PAPUA NEW GUINEA 9
SAMOA 24

SOLOMON ISLANDS 0
TONGA 178
TUVALU 0
VANUATU 0

SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN

ANTIGUA AND BARBUDA 11

DOMINICA 58

PERU 1,040

ARGENTINA 404	ECUADOR 496	SAINT KITTS AND NEVIS 7
BARBADOS 23	GRENADA 36	SAINT LUCIA 22
BELIZE 18	GUATEMALA 302	SAINT VINCENT AND
BOLIVIA 78	GUYANA 166	THE GRENADINES 26
BRAZIL 940	HONDURAS 143	SURINAME 23
CHILE 75	NICARAGUA 38	TRINIDAD AND TOBAGO 607
COSTA RICA 150	PANAMA 100	URUGUAY 39
CUBA 1,286	PARAGUAY 7	VENEZUELA 526

Natives of the following countries were not eligible to participate in DV-2000: Canada, China (mainland and Taiwan, except Hong Kong S.A.R.), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, the Philippines, Poland, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

E. RECENT AMENDMENTS TO THE VISA PORTION OF THE FOREIGN AFFAIRS MANUAL (FAM)

The following Transmittal Letters (TLs), which update the visa portion (Vol. 9) of the FAM, are now available:

VISA-188, dated April 9, 1999, which updates Part 42.41 Procedural Notes. Cost \$2.75.

VISA-189, dated April 22, 1999, which updates 40.11 Notes and Procedural Notes. Cost \$7.00.

VISA-190, dated April 30, 1999, which updates Appendix O, 1700. Cost \$4.25.

VISA-191, dated May 7, 1999, which updates 40.67 Notes; 42.32(d)(2) Notes; 42.33 Notes; and 42.62 Procedural Notes. Cost \$9.25.

A check payable to the Department of State must accompany the order. These TLs may be obtained from:

Distribution Services (OIS/PS/PR)
Room B847 A
Department of State
Washington, D.C. 20520

OBTAINING THE MONTHLY VISA BULLETIN: The Department of State's Bureau of Consular Affairs offers the monthly *Visa Bulletin* on the Internet's World Wide Web. The Internet Web address to access the *Bulletin* is:

<http://travel.state.gov>

From the home page, select the Visa section which contains the *Visa Bulletin*.

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Visa Bulletin

Visa Office
Department of State
Washington, D.C. 20522-0106

Only addresses within the U.S. postal system may be placed on the mailing list. Please include a recent mailing label when reporting changes or corrections of address; the Postal Service does NOT automatically notify the Visa Office of address changes. (Obtaining the *Visa Bulletin* by mail is a much slower option than any of the alternatives mentioned above.)

The *Visa Bulletin* can also be contacted by e-mail at the following address:

VISABULLETIN@STATE.GOV

(The *Visa Bulletin* is **not** distributed by e-mail, however.)

Department of State Publication 9514
CA/VO:May 10, 1999

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United States Department of State
Bureau of Consular Affairs

VISA BULLETIN

Number 7
Volume VIII
Washington, D.C.

IMMIGRANT NUMBERS FOR JULY 1999

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **July**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by June **10th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. The fiscal year 1999 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 1999 limit for employment-based preference immigrants calculated under INA 201 is 160,898. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 27,083 for FY-1999. The dependent area limit is set at 2%, or 7,738.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

PREFERENCES

Family	All Charge- ability Areas Except Those Listed born	CHINA- mainland	INDIA	MEXICO	PHILIPPINES
1st	01APR98	01APR98	01APR98	08AUG93	01OCT87
2A*	22FEB95	22FEB95	22FEB95	01FEB94	22FEB95
2B	01AUG92	01AUG92	01AUG92	01AUG91	01AUG92
3rd	01AUG95	01AUG95	01AUG95	01FEB91	01AUG87
4th	22JUL88	22JUL88	01OCT86	15MAY88	01MAR79

*NOTE: For July, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 22FEB94. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01FEB94 and earlier than 22FEB95. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

Employment- Based	Except Those Listed	mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	01SEP97	01OCT98	C	C
3rd	C	15JUL95	01SEP96	C	C
Other Workers	01JAN93	01JAN93	01JAN93	01JAN93	01JAN93
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employ- ment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at (202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. DV visas are divided among six geographic regions. Not more than 3,850 visas (7% of the 50,000 visa limit) may be provided to immigrants from any one country.

For **July**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Charge- ability Areas Except Those Listed Separately	
AFRICA	AF 38,180	
ASIA	AS 11,970	
EUROPE	EU 22,340	EXCEPT: ALBANIA EU 18,900
NORTH AMERICA (BAHAMAS)	NA 24	
OCEANIA	OC 1,012	

SOUTH AMERICA, SA 2,850
CENTRAL AMERICA,
and the CARIBBEAN

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-99 program ends as of September 30, 1999. DV visas may not be issued to DV-99 applicants after that date. Similarly, spouses and children accompanying or following to join DV-99 principals are only entitled to derivative DV status until September 30, 1999. DV visa availability through the very end of FY-1999 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-99 program have been used, no further issuances will be possible.**

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN AUGUST and SEPTEMBER

For **August**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows:

Region	All DV Charge- ability Areas Except Those Listed Separately
AFRICA	AF Current
ASIA	AS Current
EUROPE	EU 25,100
NORTH AMERICA (BAHAMAS)	NA 24
OCEANIA	OC Current
SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN	SA 3,071

The remainder of the Visa Bulletin has not been completed, pending the receipt of additional information. When the information is available the Bulletin will be updated.

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Washington, D.C. 20522-0106

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Department of State Publication 9514
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United States Department of State
Bureau of Consular Affairs

VISA BULLETIN

Number 9
Volume VIII
Washington, D.C.

IMMIGRANT NUMBERS FOR AUGUST 1999

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **August**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by July **12th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. The fiscal year 1999 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 1999 limit for employment-based preference immigrants calculated under INA 201 is 160,898. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 27,083 for FY-1999. The dependent area limit is set at 2%, or 7,738.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

PREFERENCES

Family	All Charge- ability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
1st	01MAY98	01MAY98	01MAY98	08SEP93	22NOV87
2A*	08APR95	08APR95	08APR95	22MAR94	08APR95
2B	22AUG92	22AUG92	22AUG92	08AUG91	22AUG92
3rd	01AUG95	01AUG95	01AUG95	01MAR91	08SEP87
4th	22JUL88	22JUL88	01NOV86	22JUL88	15MAY79

*NOTE: For August, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 22MAR94. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 22MAR94 and earlier than 08APR95. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

Employment-Based	Except Those Listed	Those born mainland	INDIA	MEXICO	PHILIPPINES
1st	C	C	C		C
2nd	C	C	C	C	C
3rd	C	C	C	C	C
Other Workers	08MAR93	08MAR93	08MAR93	08MAR93	08MAR93
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at (202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. DV visas are divided among six geographic regions. Not more than 3,850 visas (7% of the 55,000 visa limit) may be provided to immigrants from any one country.

For **AUGUST**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Charge-ability Areas Except Those Listed Separately
AFRICA	Current
ASIA	Current
EUROPE	EU 25,100
NORTH AMERICA (BAHAMAS)	NA 24
OCEANIA	Current

SOUTH AMERICA, SA 3,071
CENTRAL AMERICA,
and the CARIBBEAN

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-99 program ends as of September 30, 1999. DV visas may not be issued to DV-99 applicants after that date. Similarly, spouses and children accompanying or following to join DV-99 principals are only entitled to derivative DV status until September 30, 1999. DV visa availability through the very end of FY-1999 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-99 program have been used, no further issuances will be possible.**

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN SEPTEMBER

For **September**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows:

Region	All DV Charge- ability Areas Except Those Listed Separately
AFRICA	Current
ASIA	Current
EUROPE	Current
NORTH AMERICA (BAHAMAS)	Current
OCEANIA	Current
SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN	Current

D. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN OCTOBER FOR THE DV-2000 PROGRAM

For **October**, immigrant numbers in the DV category are available to qualified DV-2000 applicants chargeable to all regions/eligible countries as follows:

Region	All DV Charge- ability Areas Except Those Listed Separately
AFRICA	AF 12,001
ASIA	AS 4,201
EUROPE	EU 14,016
NORTH AMERICA (BAHAMAS)	NA 10
OCEANIA	OC 738
SOUTH AMERICA,	SA 1,200

CENTRAL AMERICA,
and the CARIBBEAN

E. CHINA-MAINLAND BORN AND INDIA EMPLOYMENT SECOND AND THIRD PREFERENCE VISA AVAILABILITY

Cut-off date movement in the CHINA-mainland born and INDIA Employment Second and Third preference categories during FY-1999 has been greater than might ordinarily be expected. For August, the cut-off dates for these categories have now become "Current". Many of the applicants in these categories are in the United States and seek adjustment of status through the Immigration and Naturalization Service (INS). Once INS begins to bring large numbers of adjustment of status cases to final action, there will be a significant increase in INS number use and these categories may again become oversubscribed, with cut-off dates required. Moreover, in some of the categories these cut-off dates may be earlier than those reached during FY-1999. At this time it is not possible to predict how soon a significantly increased INS number use will influence the determination of cut-off dates.

F. RECENT AMENDMENT TO THE VISA PORTION OF THE FOREIGN AFFAIRS MANUAL (FAM)

The following Transmittal Letter (TL), which updates the visa portion (Vol.9) of the FAM, is now available:

VISA-192, dated May 14, 1999, which amends 41.104 Notes, 41.104 Exhibit I, and 42.31 Notes. Cost \$3.25.

A check payable to the Department of State must accompany the order. This TL may be obtained from:

Distribution Services (OIS/PS/PR) Room B847 A Department of State Washington, D.C. 20520 **OBTAINING THE MONTHLY VISA BULLETIN:** The Department of State's Bureau of Consular Affairs offers the monthly *Visa Bulletin* on the Internet's World Wide Web. The Internet web address to access the *Bulletin* is:

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Visa Bulletin
Visa Office
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The *Visa Bulletin* can also be contacted by e-mail at the following address:

http://dosfan.lib.uic.edu/ERC/visa_bulletin/9908bulletin.html

5/9/2008

VISABULLETIN@STATE.GOV

(The *Visa Bulletin* is **not** distributed by e-mail, however.)

Department of State Publication 9514

CA/VO:July 12, 1999

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United States Department of State
Bureau of Consular Affairs

VISA BULLETIN

Number 10
Volume VIII
Washington, D.C.

IMMIGRANT NUMBERS FOR SEPTEMBER 1999

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **September**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by August **9th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. The fiscal year 1999 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 1999 limit for employment-based preference immigrants calculated under INA 201 is 160,898. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 27,083 for FY-1999. The dependent area limit is set at 2%, or 7,738.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

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First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

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Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

PREFERENCES

All Charge-
ability Areas
Except Those

Listed INDIA MEXICO PHILIPPINES

Family

1st	08JUN98	08JUN98	22SEP93	22JAN88
2A*	08MAY95	08MAY95	01MAY94	08MAY95
2B	15SEP92	15SEP92	15AUG91	15SEP92
3rd	08AUG95	08AUG95	15APR91	15OCT87

4th 01AUG88 08DEC86 01AUG88 01JUL79

*NOTE: For September, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01MAY94. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01MAY94 and earlier than 08MAY95. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

All Charge-

ability Areas

Except Those

Listed

INDIA

MEXICO

PHILIPPINES

Employment-

Based

1st C C C C

2nd C C C C

3rd C C C C

Other 15APR93 15APR93 15APR93 15APR93

Workers

4th C C C C

Certain C C C C

Religious

Workers

5th C C C C

Targeted Employ- C C C C

ment Areas/

Regional Centers

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For **September**, immigrant numbers in the DV category are available to qualified DV-99 applicants chargeable to all regions/eligible countries as follows:

All DV Charge-
ability Areas
Except Those
Region Listed Separately

AFRICA Current

ASIA Current

EUROPE Current

NORTH AMERICA Current

(BAHAMAS)

OCEANIA Current

SOUTH AMERICA, Current

CENTRAL AMERICA,

and the CARIBBEAN

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-99 program ends as of September 30, 1999. DV visas may not be issued to DV-99 applicants after that date. Similarly, spouses and children accompanying or following to join DV-99 principals are only entitled to derivative DV status until September 30, 1999. DV visa availability through the very end of FY-1999 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-99 program have been used, no further issuances will be possible.**

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN OCTOBER AND NOVEMBER FOR THE DV-2000 PROGRAM

For **October**, immigrant numbers in the DV category are available to qualified DV-2000 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

All DV Charge-

ability Areas

Except Those

Region Listed Separately

AFRICA AF 12,001

ASIA AS 4,201

EUROPE EU 14,016

NORTH AMERICA NA 10

(BAHAMAS)

OCEANIA OC 738

SOUTH AMERICA, SA 1,200

CENTRAL AMERICA,

and the CARIBBEAN

UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE



IMMIGRATION AND NATURALIZATION SERVICE

No. 22746277

Personal description of holder
as of date of naturalization:

Date of birth: SEPTEMBER 30, 1956

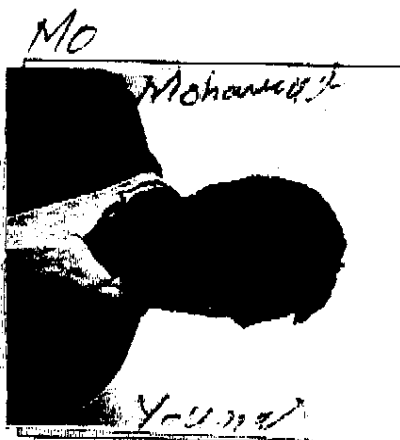
Sex: MALE

Height: 5 feet 07 inches

Marital status: MARRIED

Country of former nationality:

PAKISTAN



I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

U.S. Registration No. A90 661 200

Mohammad Younas

(Complete and true signature of holder)

We declare that, pursuant to an application filed with the Attorney General

at: SAN FRANCISCO, CA

The Attorney General having found that:

MOHAMMAD YOUNAS

then residing in the United States, intends to reside in the United States when so
required by the Naturalization laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the

U.S. DISTRICT COURT
FOR THE NORTHERN CALIFORNIA

at: SAN FRANCISCO, CA

on: AUG 6 1957

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

David J. Davis
Commissioner of Immigration and Naturalization

BALDIA SOUTH KARACHI
DEPARTMENT OF HEALTH

EXTRACT OF ENTRIES ACCORDING TO BIRTH'S REGISTER OF BALDIA KARACHI.

NO. 39861

1. Child's name.....Iram Naz
2. Sex of child.....Female.
3. Date of child's birth.....30th July, 1977.
4. Name of Child's father.....Mohammad Younas
5. Name of child's Grand-father.....Fazal Haque
6. Name of child's mother.....Riffat
7. Caste.....Islam
8. Address:- Baloch Building Lea Market Karachi.
9. Place of birth.....Lea Market (Karachi)
10. Child's born dead or alive.....Alive.
11. Name of birth's reporter.....Mohammad Younas
12. Date of birth's report.....10th.Aug:1977..

Above entries are exatly as they were furnished by the reporte
of birth.

Book No...L(I)11 Entry No. 2494/62 Receipt No.56644.

Date of Issue 04th June,1991..

REGISTRAR

DepSection of Births and Deaths

Department of Health Baldia South Karachi.



ATTESTED

بلدیہ جنوبی کراچی

محکمہ صحت

39851

شہری رجسٹر

اقتباس اندراجات بمطابق بلدیاتی رجسٹریشن بلدیہ جنوبی کراچی

جنس

تاریخ اور وقت پیدائش

والد کا نام

دعا کا نام

والدہ کا نام

مستقل رہائشی پتہ

مقام پیدائش (مکمل پتہ)

پیدائش کے وقت زندہ یا مرده

اطلاعات دینے والے کا نام و پتہ

اطلاعات دینے والے کا پتہ سے کشتہ

بلدیہ جنوبی کراچی میں اندراج کرائی تاریخ

مذکورہ تاریخ کا اندراج بلدیہ جنوبی کراچی کے رجسٹر میں اطلاع دینے والے فرد/ادارے کے فراہم کردہ بیان مطابق ہے۔

اقتباس محترم/مختار آکر

مبلغ

رہے بابت نہیں اقتباس مطابق دیگر

کتاب نمبر

مرتب کنندہ

نام و دستخط

پڑناں کنندہ

نام و دستخط

4 JUN 1991

تاریخ اجراء

منسل

June 29, 2007

Mr. Mohammad Younas
1200 D. Street #19
Petaluma, California 94952

Dear Mr. Younas:

I am forwarding to you the reply I have received from the Consular General at the U.S. Embassy, Islamabad, Pakistan, in response to my inquiry about the status of the I-130 Immigrant Petition for Relative you filed on behalf of your daughter, Iram Naz in August, 1998 (ISL1999666017).

Additionally, I contacted the U.S. Department of State, National Visa Center (NVC) to confirm the completed file was forwarded to the embassy on July 6, 1999. The Embassy in Islamabad forwarded notification to your daughter on October 21, 1999; however, received no response during the following year. Unfortunately, I believe your only recourse is to file a new immigrant petition with U.S. Citizenship and Immigration Services (CIS), California Service Center which should include her husband and any children.

I hope you find this information helpful. If you have additional questions about this information contact Tondrea Stewart in the San Rafael office at (415) 507-9554.

Sincerely,



Lynn Woolsey
Member of Congress

LW:tls

PS - Visit my web site and sign up to receive e-mail updates on legislative issues that are important to you. The address is: <http://woolsey.house.gov/emailupdates.asp>.



*Embassy of the United States of America
Islamabad, Pakistan*

Consular Section

June 29, 2007

The Honorable Lynn Woolsey

Attn: Tondrea Stewart

Re: Iram Naz ISL1999666017

Dear Congressman Woolsey:

This is in response to your inquiry of June 22, 2007, concerning the immigrant visa case of Ms. Iram Naz.

Our records reveal that the beneficiary has not pursued her immigrant visa application since October 21, 1999. Therefore, her registration has been terminated under Section 203(g) of the Immigration and Nationality Act (INA), as amended. The provision states:

"The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to the alien of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond his control."

We hope this information is helpful. Please let us know if we can be of further assistance. To serve you better, we suggest that you email further inquiries to us at [REDACTED] You may also consult our website at <http://islamabad.usembassy.gov>

Sincerely,

Tricia B. Cypher
Acting Consul General

**LAW OFFICES OF
ASHWANI K BHAKHRI
A PROFESSIONAL CORPORATION**

1290 Bayshore Highway, Ste. 255

Burlingame, CA 94010

Tel: (650) 685-6334

Fax: (650) 685-6351

ASHWANI K. BHAKHRI, ESQ.
JOSEPH J. SIGUENZA, ESQ.
ROBERT J. MENACHE, ESQ.
PHILIP SARMIENTO, ESQ.
GEORGE HERIDIS, ESQ.
ELIANNE DE LA VEGA, ESQ.

July 20, 2007

Embassy of the United States of America
Diplomatic Enclave, Ramna 5
Islamabad, Pakistan

RE: Petitioner: Mohammad Younas
Beneficiary: Iram Naz
Case No.: ISL1999666017
Priority Date: August 21, 1998

Dear Sir/Madam:

Please be advised that we represent Mr. Younas in connection with the processing of an immediate relative petition that he had filed with the United States Department of Citizenship and Immigration Service (hereinafter "the Service"). The Service approved the I-130 visa petition on or about April 14, 1999 with priority date of August 21, 1998. See the enclosed copy of the approved I-130 visa petition.

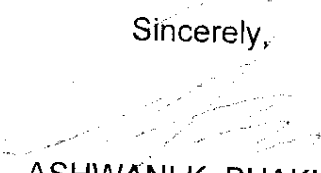
The petition was subsequently forwarded to your post in Islamabad by the National Visa Center. The Petitioner wrote a few letters to your post in 2006. He also sought assistance of his Congressman. See the enclosed copies of the correspondence for your reference.

In response to the letter from Congressman Lynn Woolsey, your office stated that the beneficiary failed to apply for an immigrant visa within one year following notification to the alien of the availability of such visa and the registration was terminated as such. It appears that the immigrant visa was not available for Ms. Naz's use in October of 1999. It is respectfully submitted that the Service has erred in denying Ms. Naz's visa petition and we respectfully request that an appropriate action is taken to rectify the situation. The enclosed copy of the

current visa bulletin shows that the priority date is available only for applicants whose priority date is October 1, 1999. The Service has apparently erred in denying Ms. Naz's visa petition.

If we do not receive a response to this correspondence within 15 days of the date of this letter or do not hear otherwise, a writ of mandamus will be filed with the District Court in order to seek relief. Thank you for your prompt attention to this matter. If you have any questions or additional information is required, please feel free to call the undersigned.

Sincerely,



ASHWANI K. BHAKHRI

AKB: ash

Encl.

cc: Client

**National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909**

August 18, 2006

MOHAMMAD YOUNAS
PO BOX 4026
SANTA ROSA, CA 95402

DEAR IRAM NAZ:

Your inquiry has been received at the National Visa Center (NVC). The NVC has completed its processing of the visa petition you mentioned in your letter and has forwarded the petition to the assigned US Embassy/Consulate General for further processing.

As the file is no longer at the NVC, we are unable to honor your request to add a derivative beneficiary. You should submit your request to the US Embassy or Consulate General listed below. Any original documents that were submitted with your request will be forwarded to the US Embassy or Consulate General.

As the file is no longer at the NVC, please notify the assigned US Embassy or Consulate General of your change of address.

Any further inquiries should be directed to the assigned US Embassy or Consulate General.

The National Visa Center no longer has your file. Any inquiries regarding documents or forms requested by the US Embassy/Consulate must be directed to the office that is requesting the information.

Case Number:	ISL1999666017
Petitioner's Name:	YOUNAS, MOHAMMAD
Beneficiary's Name:	NAZ, IRAM
Preference Category:	F1 - UNMARRIED SONS AND DAUGHTERS OF U.S. CITIZENS
Your Priority Date:	21AUG1998
Foreign State Chargeability:	PAKISTAN
U.S. Embassy/Consulate:	EMBASSY OF THE UNITED STATES OF AMERICA DIPLOMATIC ENCLAVE, RAMNA 5 ISLAMABAD PAKISTAN

Traveling Applicants:

NAME
NAZ, IRAM

DOB
30JUL1977

POB
PAKISTAN

CERTIFICATE OF SERVICE

Re: Mohammed Younas

Case No.: 75-261-668

I hereby certify that one (1) copy of Plaintiff's Writ in the Nature of Mandamus along with the attachments and one (1) copy of this proof of service were mailed first class mail to the following:

1. Michael Mukasey
Attorney General
10th and Constitution Avenue., NW, Room 4400
Washington, D.C. 20530
2. Office of the US Attorney
Northern District of California
Atten: Civil Process Clerk
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94012
3. General Counsel
US Citizenship & Immigration Service
US Department of Homeland Security
425 I Street, NW
Room 6100
Washington, D.C. 20536
4. Don Neufeld, Director
California Service Center
24000 Avila Road
Laguna Niguel, CA 92677
5. Michael Chertoff
US Department of Homeland Security
Washington, D.C. 20528

on this 12th day of May 2008.

BY


SUMAN LATA